IN RE: PETITION FOR ZONING VARIANCE (6700 York Road)

NE/Corner York & Dunkirk Roads 9th Election District * OF BALTIMORE COUNTY 4th Councilmanic District

Maryland National Bank Petitioner

* ZONING COMMISSIONER

* Case No. 89-135-A

.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Petitioner herein requests a variance to permit a rear yard setback for an open projection (drive-in bank canopy) of 7.5 feet in lieu of the required 15 feet, as more particularly described in Petitioner's Exhibit 1.

The Petitioner, by Richard Patrick Kidwell, Esquire, appeared and testified. Also appearing on behalf of the Petition were: Richard Aldridge, a representative of Maryland National Bank, James Patton, Engineer, and John DiMenna, Architect. The Rogers Forge Community Association, by Keith Truffer, Esquire, appeared and testified as Protestants.

Testimony indicated that the subject property, known as 6700 York Road, is zoned B.L.-C.N.S. and is improved with a Maryland National Bank branch office. The property is located on the west side of York Road, and bounded on the south by Dunkirk Road, on the north by Murdock Road, and on the west by an alley which conects Dunkirk and Murdock Roads. Maryland National Bank has operated a branch office at this location since 1974. Currently, a drive-in window is located on the south wall of the building. As a result, customers waiting to use the window line up either on Dunkirk Road, back toward residences in the area, or on York Road, thus

es relocating the drive-in window to the west wall of the building, adding

creating a potential safety hazard on that busy street. Petitioner propos-

of Petitioner's property. The proposed canopy will extend to within 7.5 feet of Petitioner's property line running along the alley, hence the requested variance. The Rodgers Forge Community Association, through its Counsel, expressed two concerns with Petitioner's proposed renovations. First, the Association has requested that Petitioner continue to prevent access to the alley either by keeping the metal posts presently in place or by other

suitable means. Second, the Association wants Petitioner not to build on or to impede access to the existing concrete paving which currently extends from the alley 3 feet into Petitioner's property. Petitioner has agreed to prevent access to the alley and to leave undisturbed the 3 feet of concrete paving which both provides parking in the alley and makes driving through the alley easier for residents of the community.

two remote drive-in units to the west of the building, and constructing a

canopy over all three teller units. A "DO NOT ENTER" sign will prohibit

turns onto Petitioner's property from Dunkirk Road. Drive-in traffic will

thus come from York Road onto Murdock Road and then onto Petitioner's

property. The relocation will keep drive-in traffic within the confines

Subsequent to the hearing, Petitioner submitted a revised plan, marked Petitioner's Exhibit A, as a Final Development Plan which clearly $oldsymbol{\lambda}$ sets forth the requested rear yard setback, the proposed canopy, and landscaping to be provided in conjunction with this project.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

> whether strict compliance with requirement would unreasonably prevent the use of the property for a

permitted purpose or render conformance unnecessarily

2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 4th day of November, 1988 that the Petition for Zoning Variance to permit a rear yard setback for an open projection (drive-in bank canopy) of 7.5 feet in lieu of the required 15 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief

> and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original

1) The Petitioner may apply for his building permit

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 *494x33€*\$x 887-3353 J. Robert Haines

November 9, 1988

Richard P. Kidwell, Esquire Miles & Stockbridge 401 Washington Avenue Towsta, Maryland 21204

RE: PETITION FOR ZONING VARIANCE NE/Corner York Road and Dunkirk Road (6700 York Road) 9th Election District - 4th Councilmanic District Maryland National Bank - Petitioner Case No. 89-135-A

Dear Mr. Kidwell:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

> Very truly yours, Robert Haires Zoning Commissioner

> > for Baltimore County

JRH: bjs

cc: Keith Truffer, Esquire 102 W. Pennsylvania Avenue, Towson, Md. 21204

Mr. James S. Patton LPJ, Inc., 16 West 25th Street, Baltimore, Md. 21218

Mr. John J. Dimenna Rubeling & Associates, Inc., 530 E. Joppa Road, Towson, Md. 21204 People's Counsel

Dennis F. Rasmussen

Variance from Section _232.3.b and 301.1 To permit a rear yard setback for an MAP NEFA open projection (drive-in bank canopy) 7.5 feet in lieu of the require 15 feet. of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for following reasons: (indicate hardship or practical difficulty) To properly provide for a canopy over the three (3) proposed drive-in tellerunits. the canopy needs to project to within 7.5 feet of the property line. Structurally, this will minimize cantilevering which, if done, would greatly increase the thickness of the canopy section. Also, the canopy will more effectively protect the drive-thru customers from prevailing weather conditions that are usually from

PETITION FOR ZONING VARIANCE

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

the west.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County,

which is the subject of this Petition. Legal Owner(s): Contract Purchaser: Maryland National Bank 11 (Type of Print Name), (Type or Print Name) (Type or Print Name) Signature Attorney for Petitioner: Kevin Pipder (Type or/Frint Name) City and State O. Box 987 MS 030605 Name, address and phone number of legal owner, contract purchaser or representative to be contacted James S. Patton, P.E. Baltimore, Maryland 21203 Name LPJ, Inc. City and State

ORDERED By The Zoning Commissioner of Baltimore County, this _____ day

Attorney's Telephone No.: 244-5782

Zoning Commissioner of Baltimore County

16 West 25th Street 366-7800

Address Balto., MD 21218 Phone No.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property

PROPERTY OF MARYLAND NATIONAL BANK SOUTHWEST CORNER OF YORK AND MURDOCK ROAD NINTH ELECTION DISTRICT BALTIMORE COUNTY, MCRYLOND

BEGINNING for the same at the corner formed by the intersection of the northwest side of York Road, as laid out and existing sixty-six feet wide, and the southwest side of Murdock Road, as laid out and existing fifty feet wide, and running thence binding along the aforesaid northwest side of York Road referring the following courses to the True Meridian as adopted by Baltimore County Bureau of Surveys South 12° 02' 36" West 235.00 feet to a point on the northeast side of Dunkirk Road, as laid out and existing 50 feet wide, and running thence binding along the northeast side of Dunkirk Road North 77° 57° 24" West 130.00 feet to a point on the southeast side of a alley, as laid out and existing fifteen feet wide, and running thence binding along the southeast side of said fifteen feet wide alley, with the use thereof in common with others entitled thereto, North 12° 02' 36" East 235.00 feet to a point on the aforesaid southwest side of Murdock Road, and running thence binding along the southwest side of Murdock Road South 770 57' 24" East 130.00 feet to the point of beginning, containing 0.701 acres of land more or less.

BEING a part of that parcel of land which by deed dated December 31, 1955 and recorded among the Land Records of Baltimore County, Maryland in Liber G.L.B. 3084 at Folio 269 was conveyed by Norma L. Kelley, Widow, Et Al, to Eutaw Savings Bank of Baltimore. (See Schedule "A" of Articles of Transfer between Eutaw Savings Bank of Baltimore and Maryland National Bank recorded in the Land Records of Baltimore County, Maryland in Liber E.H.K. Jr. 5531 at Folio 680).

BEING also Lot No. 2 as shown on a Plat of the subdivision of the property of Maryland National Bank recorded among the Land Records of at Folio , prior hereto. Baltimore County, Maryland in Plat Book



Purdum and Jeschke 1029 N. Calvert Street Baltimore, MD. 21202

Page 1 of 1.

2) Petitioner shall comply with all requirements as set forth in the Zoning Plans Advisory Committee comments which have been adopted in their entirety and made a part of this Order.

3) When applying for a building permit, the site plan and lanscaping plan filed must reference this case and set forth and address the restrictions of this Order.

JRH:bjs

Baltimore County

KRT/cjc 10/13/88

9th Election

4th Councilmanic

IN RE: N/E Corner York Road and Dunkirk Road (6700 York

BEFORE THE

* BALTIMORE COUNTY * OFFICE OF ZONING

* Case No. 89-135-A * * * * *

ENTRY OF APPEARANCE

Please enter the appearance of Keith R. Truffer as attorney for The Rodgers Forge Community, Inc. in this case.

> Royston, Mueller, McLean & Reid 102 W. Pennsylvania Avenue Towson, Maryland 21204 (301) 823-1800 Attorney for The Rodgers Forge Community, Inc.

ROYSTON, MUELLER,

MCLEAN & REID SUITE 600 21204-4575

102 W. PENN, AVE.

July 15, 1988

#24

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY 89-135-A

Posted for: Vorionco	Date of Posting 9/17/57
Posted for: VOY107160	
Petitioner: Mary January	lost Ed + Ountrit Rd
Location of property: NE/cex	lort Pd+ Orativit Rd
6700 YON	R
Lander of Same Facione York	Ad oppose 10 Fr. You dway
an Boforty of fatilion	247
Remarks:	
Posted by Mikely	Date of return: 9/29/8
Signature	
Number of Signs:	.

Towson, maryiana 2120 494-3353

J. Robert Haines

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance CASE NUMBER: 89-135-A N/EC York and Dunkirk Road (6700 York Road) 9th Election District - 4th Councilmanic Petitioner(s): Maryland National Bank HEARING SCHEDULED: FRIDAY, OCTOBER 14, 1988 at 10:30 a.m.

Variance to permit a rear yard setback for an open projection (drive-in bank canopy) 7.5 feet in lieu of the required 15 feet.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES Zoning Commissioner of Baltimore County

LPJING CONSULTING ENGINEERS 16 WEST TWENTY-FIFTH STREET BALTIMORE, MARYLAND 21218 TELEPHONE: 301-368-7800

October 18, 1988

Baltimore County Zoning Commissioner Office of Planning and Zoning 111 Chesapeake Avenue Towson, Maryland 21204

Attn: Robert Haines

Maryland National Bank Building Rodgers Forge Branch Drive - In Expansion LPJ #12588

Dear Mr. Haines:

As per your request made at the Zoning hearing on October 14, 1988, we are submitting a rendered plan of the Maryland National Bank Rodgers Forge Branch for your files.

The 7.5 foot rear yard setback and drive in bank canopy are clearly shown. Should you have any questions regarding the above, please do not hesitate to contact our office.

> Cordially yours, James S. Patton, P.E.

JSP:scb

cc: Richard Aldridge John DiMenna



CERTIFICATE OF PUBLICATION SALES & LEGAL NOTICES The Zoring Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein to Room 106 of the County Office Building, incread at 117 W. Cheespeake Avenue in Towson, Manyland as fol-THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed Petition for Zoning Veneros Case number: 89-135-A MEC York and Dunkirk Road (5700 York Rind) 9th Election District 4th Councilmanic Petitioner(s): Maryland National Bank Hearing Date: Friday, Oct. 14, 1969 at 10:30 a.m. and published in Towson, Baltimore County, Md., once in each Vertence to permit a reer yard granted, a building permit may be leaved within the thirty (30) de appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the is suance of said permit during this period for good cause shows. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was iblished in THE JEFFERSONIAN, a weekly newspaper printed powsontimes PO# 04191

THE JEFFERSONIAN, 5. Zehe Onland

Fire Department Towson, Maryland 21204-2586 494-4500

Paul H. Reincke J. Robert Haines Zoning Commissioner

Office of Planning and Zoning Baltimore County Office Building Towson, MD 21204

Dennis F. Rasmussen
County Executive

Re: Property Owner: Maryland National Bank Location: N/E corner of York and Dunkirk Road

Item No.: 24

Zoning Agenda: Meeting of 8/2/88

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

() 1. Fire hydrants for the referenced property are required and shall be located at intervals or ____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

August 1, 1988

() 2. A second means of vehicle access is required for the site.

() 3. The vehicle dead end condition shown at _____

EXCEEDS the maximum allowed by the Fire Department.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

($^{\rm X}$) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.

() 6. Site plans are approved, as drawn.

() 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: Catt 1 of Kelly 7-15-68 Approved:

Pilanging Group

Pilanging Group

Fire Prevention Bureau

Baltimore County Department of Public Works Bureau of Traffic Engineering Courts Building, Suite 405 Towson, Maryland 21204

August 29, 1988

Mr. J. Robert Haines Zoning Commissioner County Office Building Towson, MD 21204

Item No: 24

Location:

Property Owner:

Existing Zoning:

- ZAC -

Meeting of August 2, 1988 Maryland National Bank NE Corner of York Rd. and Dunkirk Rd. B.L. - C.N.S.

Dennis F. Rasmusser

The proposed access to the 15 ft. alley should be eliminated. The proposed bollards should be indicated to be removable so as to provide a bypass to York Road in case all three service bays are occupied.

> Very truly yours, Stephen E. Weber, P.E. Assistant Traffic Engineer

Maryland Department of Transportation
State Highway Administration

Richard H. Trainor Secretary Hal Kassoff Administrator

August 15, 1988

Mr. J. Robert Haines Zoning Commissioner County Office Building Towson, Maryland 21204

Re: Baltimore County Maryland National Bank Zoning Meeting of 8-2-88 N/E Corner of York Road MD 45 and Dunkirk Road (Item #24)

Attn: Mr. James Dyer Dear Mr. Dyer:

After reviewing the submittal for a rear yard setback for an open projection (drive-in bank canopy), we find the plan acceptable.

If you have any questions, please contact Larry Brocato of this office.

Very truly yours,

Creston J. Mills, Jr., Chief Bureau of Engineering Access Permits

LB:maw

cc: LPJ Inc. Mr. J. Ogle

> ROYSTON, MUELLER, MCLEAN & REID ATTORNEYS AT LAW

R. TAYLOR MOLEAN RICHARD A. KEID E. HARRISON STONE MILTON R. SMITH, IR. C. S. KLINGELHOFER III THOMAS F. McDONOUGH LAWRENCE F. HAISLIP LAUREL P. EVANS ROBERT S. HANDZO

SUITE 600 102 WEST PENNSYLVANIA AVENUE TOWSON, MARYLAND 21204-4575 (301) 823-1800 TELECOPIER FAX (301) 828-7859

OF COUNSEL

CARROLL W. ROYSTON

H. ANTHONY MUELLER

October 13, 1988

C. LARRY HOFMEISTER, JR. HAND DELIVERED

Baltimore County Office of Planning & Zoning County Courts Building 401 Bosley Avenue Towson, Maryland 21204

Re: N/E Corner York Road and Dunkirk Road (6700 York Road) 9th Election, 4th Councilmanic Case No. 89-135-A

Dear Sir/Madam:

I enclose an Entry of Appearance to be filed in this zoning matter.

Thank you for your anticipated cooperation.

Sincerely,

KRT/cjc 2193y Enclosure

cc: Edward J. Gilliss, Esq.

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 494-3353

Date: 9/22/88



MS 030605 Baltimore, Karyland 21203 Patition for Zoning Variance Case numbers 89-135-A

Petitioner(s):LMaryland National Bank

Kevin Pinder, Esq.

P. O. Box 937

Please be advised that 105.73 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do <u>not</u> remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office

Building Room 111, Towson, Maryland 21204 fifteen (15) minutes before BALTIMORE COUNTY, MARYLAND post set(s), there OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT B B E25 *** 10575: 8 5 9 huf / 35_

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE October 3, 1988

COUNTY OFFICE BLDG. 111 W. Chesapeake Ave. Towson, Maryland 21204 Kevin Pinder, Esquire P.O. Box 987 MS030605

MEMBERS

Zoning Administration

Industrial

Bureau of

Baltimore, Maryland 21203 RE: Item No. 24 - Case No. 89-135-A

Petitioner: Maryland National Bank Petition for Zoning Variance

Dear Mr. Pinder:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following Department of comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made State Roads Commissio. aware of plans or problems with regard to the development plans Bureau of that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning. Health Department Project Planning Building Department Board of Education

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are petition. Il similar comments from the remaining members are received. I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This that is not informative will be placed in the hearing file. petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours, Yanu E. Dye let JAMES E. DYER Zoning Plans Advisory Committee

JED:dt cc: James S. Patton, P.E. LPJ Inc. 16 West 25th Street Baltimore, Maryland 21218

89-135-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204

Your petition has been received and accepted for filing this ___ day of _____

ZONING COMMISSIONER

Petitioner's Attorney

Chairman Zoning Plans Advisory Committee



